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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/916,178 | 07/26/2001 | Edward Baranoff | 602936.1019 | 7114 |

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EXAMINER

POLLICOFF, STEVEN B

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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3728

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------|------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/916,178 | BARANOFF, EDWARD | |
| | Examiner | Art Unit | |
| | Steven B. Pollicoff | 3728 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/26/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "a latch" in Claim 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it does not follow the proper language or format for acceptable abstracts. Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claims 5 and 7 are objected to because of the following informalities: In Claim 5, the term "said apertures," is inconsistent with the term "through hole" used in Claim 1. Examiner will interpret "aperture" as if it read "through hole" for examination purposes. In Claim 7, the phrase "first and rear panels" is inconsistent with the phrase "front and

rear panels" described in Claim 1. Examiner will interpret "first" as if it read "front" for examination purposes. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 1-5, and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webster et al., (U.S. Pat. No. 6,073,758) in view of Sperandio (U.S. Pat. No. Des. 343,140).

Webster discloses a display package comprising a fold-over card formed from a single elongated strip (see Webster Fig. 1) folded at the bottom to define front and rear panels (see Fig. 4, reference numbers 28 and 29, respectively; see also Column 3, Lines 29-32) joined by a neck (see Fig. 1, reference number 20) at the bottom, each of said panels having near its top edge a through hole (see Fig. 1, reference number 18), and said holes becoming aligned when said panels are folded to overlies each other (see

Column 2, Lines 58-61). Webster also discloses a wire formed as a closed loop (a necklace or bracelet according to Webster) (see Fig. 3, reference number 12) which defines a plane, said loop having top and bottom parts (see Fig. 4 generally), the top part lying in said neck (see Fig. 3 at reference number 24), said bottom part situated below said neck (see Fig. 4 generally), and said plane of said loop being generally coplanar with said plane of said panels (see Fig. 4, generally).

Webster does not disclose that a plurality of ring-shaped holders extends through the wires such that the ring-shaped holders hang below the fold-over card or that each ring-shaped ponytail holder defines a plane situated generally perpendicular to the panels of the fold-over card. However, Sperandio discloses a necklace defined as a wire (see Sperandio Fig. 1, generally) and a pendant holder defined as a ring-shaped holder wherein the wire extends through the bore of the holder so that it does not disengage from the wire. The holder also defines a plane perpendicular to the plane of the wire, which is parallel to the plane of the panels disclosed in Webster (see Sperandio Fig. 3 generally). While Sperandio only discloses one ring-shaped holder on the wire, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Webster wire to include a plurality of ring-shaped holders for the purpose of displaying multiple ring-shaped holders and the pendants attached to them.

As to Claims 2 and 3, Webster discloses that the panels when folded to overlie each other are generally parallel and define a vertical plane (see Webster Fig. 4 generally). Webster does not disclose that the ponytail holders each define a plane generally perpendicular to the vertical plane of the panels. However, Sperandio

discloses that the holder defines a plane perpendicular to the plane of the wire, which is parallel to the plane of the panels disclosed in Webster (see Sperandio Fig. 3 generally). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Webster wire to include holders that hang on a plane perpendicular to the wire, as taught by Sperandio, and perpendicular to the panels of the fold-over card.

As to Claim 4, with reference to the combination of the Webster fold-over box and the wire and ring-shaped holder of Sperandio, it would be obvious that the holders would be positioned below the folded panels and generally centered.

As to Claim 5, Webster discloses that the through holes (apertures) of the front and rear panels are situated midway of the length of the panels from left to right (see Webster Fig. 1).

As to Claim 7, Webster discloses that the front and rear panels have generally the same length and height (see Webster Fig. 1).

As to Claim 8, Webster discloses that the strip comprises a plastic sheet (see Webster Column 2, Lines 46-49).

As to Claim 9, Webster discloses that the strip comprises cardboard (see Webster Column 2, Lines 46-49).

As to Claim 10, Webster discloses that the panels lie generally flat against each other (see Webster Fig. 4).

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6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webster et al., (U.S. Pat. No. 6,073,758) in view of Sperandio (U.S. Pat. No. Des. 343,140) as applied to Claim 1 above and further in view of Joyce (U.S. Pat. No. 4,136,148).

Webster does not disclose that the wire comprises a plastic wire having bumps situated along its length and a latch through which the bumps are extendable in one direction and not the other. However Joyce discloses a wire having bumps (see Fig. 1B, reference number 12) situated along its length and a latch (Fig. 1, reference number 11t) through which the bumps are extendable in one direction and not the other for the purpose of harnessing items (see Joyce Column 2, Lines 4-5). Therefore it would have been obvious one of ordinary skill in the art at the time of the invention to modify the Webster wire to include the wire with bumps and one way-locking latch for the purpose of ensuring that the attached items are not easily separated.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Johnson (U.S. Pat. No. 6,062,232) discloses a hair accessory holder. Steinthal (U.S. Pat. No. 2,762,503) discloses a display package with a wire attached. McGahee (U.S. Pat. No. 5,139,144) discloses a storage wire for rubber bands.

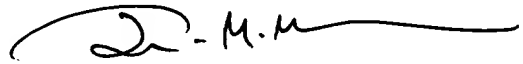
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Pollicoff whose telephone number is (571)272-7818. The examiner can normally be reached on M-F: 7:30A.M.-4:00P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571)272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SBP


JILA M. MOHANDESI
PRIMARY EXAMINER
12/12/05